

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**A.V. by and through her father, Stephen W.,  
and STEPHEN W. in his own capacity,**

Plaintiffs,

v.

**WEST CHESTER AREA SCHOOL  
DISTRICT,**

Defendant.

**CIVIL ACTION**

**NO. 23-1306-KSM**

**ORDER**

**AND NOW**, this 26th day of September 2024, upon consideration of the parties' cross-motions for judgment on the administrative record (Doc. Nos. 12, 13), and responses thereto (Doc. Nos. 14–18), following oral argument on the motions (Doc. No. 20), and upon consideration of the parties' supplemental briefing addressing the precedential Third Circuit opinions in *Le Pape v. Lower Merion School District*, 103 F.4th 966 (3d Cir. 2024) and *B.S.M. v. Upper Darby School District*, 103 F.4th 956 (3d Cir. 2024) (Doc. Nos. 24–27), **IT IS ORDERED** as follows:

1. Plaintiffs' motion for judgment on the administrative record (Doc. No. 12) is **DENIED**.
2. Defendant's motion for judgment on the administrative record (Doc. No. 13) is **GRANTED IN PART**, to the extent Defendant seeks to affirm the hearing officer's conclusions that the District did not violate its Child Find obligation under either the IDEA or Section 504 of the Rehabilitation Act of 1973.
3. Defendant's motion for judgment on the administrative record (Doc. No. 13) is

**DENIED IN PART**, to the extent Defendant seeks to challenge the hearing officer's conclusion that the March 2021 IEP was substantively inadequate in certain limited respects.

4. The hearing officer's award of compensatory education is **AFFIRMED**. Plaintiffs are awarded 30 minutes of limited compensatory education for each day that school was in session from March 28, 2021 through May 21, 2021 to remedy the denial of FAPE.

**IT IS SO ORDERED.**

/s/ Karen Spencer Marston

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KAREN SPENCER MARSTON, J.